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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

P.A. Lammert, PLS

FILE: B-192310

DATE: July 26, 1978

MATTER OF: Bud Johnson Construction Co., Inc.

DIGEST:

Protest concerning small business size status of bidder is not for consideration by General Accounting Office since by law it is a matter for decision by Small Business Administration.

Bud Johnson Construction Co., Inc., protests the small business size status of Watson-Forsberg Co. which was awarded a contract with the Veterans Administration pursuant to invitation for bids No. 618-42-78, a small business set-aside. The protester contends that Watson-Forsberg Co. was not eligible for this award because of its affiliation with Watson Construction Co., a large general contractor, and several of its affiliates. The protester asserts that officers of Watson-Forsberg also sit on the boards of directors of many of these affiliated companies. Thus, the protester contends that Watson-Forsberg should not be considered a small business concern.

Under 15 U.S.C. § 637(b) (1976), the Small Business Administration is empowered to conclusively determine matters of small business size status for Federal procurement and sales purposes. Accordingly, the matter is for resolution by the Small Business Administration and not this Office. Pine Products Corporation; Timber Investors, Inc., B-191483, March 28, 1978, 78-1 CPD 239.

Therefore, the protest is dismissed.

for *Shilton J. Auster*
Paul G. Dembling
General Counsel